O. P. 71 & 72—658,614—21-11-30.

19

Department of

OFFICE

STATION

No. 2510

Dated 23-9-32

To whom sent

Papers in the file

	Date	Initial
Given for copying		
Copied *		
Examined		
Signed		
Given for despatch		
Despatched		
Indexed		
To be destroyed on*		

SUBJECT

[illegible] – [illegible] – ([illegible])

[illegible]

[illegible]

* Not to be filled in in the case of permanent records.

LAND REVENUE AND SETTLEMENT
31 MAY 1932

B 2957 (251

TO,

The Honourable members of the Board of Revenue,

MADRAS.

Through:- The Collector of South Kanara.

1 Revision Petition No. : /32

B S
Wy 31/5

Sri Sode Vadiraja Mutt, and Trustee of :-) Petitioner
Sri Krishna Mutt, residing at present in)
Udipi Kasba..)

The petitioner abovenamed begs to state as follows:-

That there is an institution called the Sri Krishna Temple" in Udipi, South Kanara District the management and worship of which is conducted by the Eight Swamiers of Udipi by rotation each Swamier for a period of two years once in 16 years. By immemorial custom and usage the Swamier who manages in a particular Pariyayam is entitled to collect all the income accruing to the Temple during his Pariyayam of two years and is liable to meet therefrom all the expenses of the Temple for the said period supplemented if necessary by the income of his Mutt. No Swamier is liable for the liabilities of the Temple which accrued during the period of management of the previous Swamier.

2. That the petitioner as the head of the Sode Vadiraja Mutt one of the Eight Mutts of Udipi has become the Pariyayam Swamier or Trustee of the Sri Krishna Mutt as from 18-1-1932. The petitioner is liable only for the liabilities of the Krishna Mutt as from that date. The previous liabilities, if any, are to be met by the previous trustee or Pariyayam Swamier of Shiroor Mutt who collected the income of the Krishna Mutt in that period.

3. That the Krishna Mutt is entitled in current Fasli to a total Tasdik of Rs. 8400-0-0 out of which by custom and ancient practice the petitioner is entitled to Rs. ~~3~~ 3850-0-5 ~~(32500-5)~~ and the Shiroor the previous Pariyayam Swamier is entitled to Rs. 4549-15-7. Out of the amount due to the petitioner a sum of Rs. 2167-14-0 has already been paid and a sum of Rs. 1682-2-5 remains to his credit yet to be paid. The Shiroor Swamier has similarly been paid Rs. 2560-0-0 and a sum of Rs. 1989-15-7 remains to his credit yet to be paid

4. That the Collector of South Kanara has been pleased in R.O.C. 3315-32-B-1 dated 7-5-32 to direct that the amount due to the Shiroor Mutt may be paid in full and tha the balance i.e. the amount due to the petitioner may be held up for satisfying an attachment of the Civil Court.

5. That the petitioner submits that the attachment by the Civil Court has been made against the Shiroor Swamier as respondent during his Pariyayam and for amount of contribution due during the period of Trusteeship of the previous Swamier and that on that ground it has been held by the District Court of South Kanara in R.E.P.No. 7/31 that the petitioner who was impleaded therein was an unnecessary Party and that the amount of contribution should be collected from the previous Swamiers and not from the petitioner. It is also but reasonable and just that the previous trustees who collected the income of the Krishna Mutt should pay its dues. The petitioner has his own share to pay hereafter from the income he has to collect. Further it has been directed in R.E.A.No. 1/32 that the Shirroor Swamier has to pay the contribution for which the attachment has been made.

It is therefore unjust and inequitable that the Tasdik due to the petitioner should be held up for contributions due from the previous Swamier and it has become

5

R. F. XXII-A-19- 30,004-2-2-31 (6)

FOR MEMBER.

Subject.
Allowance - Taluk (South Kanara); Sri Krishna Temple at Udipi - Payment to Shiroor Swamiar - Sri Vishvendra Thirtha Swamiar - Objection petition Stay refused

AIN B. P. No. ______ ,dated ______ 193

" " ______ , " ______ 193

READ ALSO :--

Register No. ______ From the B2957/32-2. No. ______ , dated ______ 193
~~[illegible]~~

" " ______ , " " ______ , ______ , " ______ 193

" " ______ , " " ______ " " ______ , " ______ 193 .

~~RESOLUTION~~ See B. 2957. 32-1 No. ______ dated 1-6- 1932.

The stay ~~order~~ applied for is refused.

— The petitioner should produce, before 1-7-32, court fee labels of the value of Rupees two (Rs 2-0-0) to be affixed to the petition and an authenticated and stamped copy of the Collector's order (R.O.C. 3315-32 d/ 27-5-32) appealed against; failing which the petition will be rejected.

1-6-32

Issue
1/6

DESPATCHED
4 JUN 1932
4/6

Sri Vishvendra Thirtha Swamiar Varu
Head of Sri Sode Vadiraja mutt
at Udipi.

Copy to the Collector of South Kanara.

1/6
2/6

1/6/32

2/6

7

Subject. R. F. XXII-A-19--30,004 2-3-31 (6)

FOR MEMBER.

Allowance - Tasdik (South Kanara) Srikrishna temple at Udipi - Payment to Shirur Swamiar - Shri Vishvendra Thirtha Swamier - Objection petition rejected

READ AGAIN B. P. No. ______ ,dated ______ 193

" " " ______ , " ______ 193

READ ALSO :—

p. 1 of Register No. ______ From the B. 2957/32-Q, No. ______ , dated ______ 193

" " ______, " " ______ ______ 193

" " ______, " " ______, " " ______, " ______ 193

RESOLUTION Endt. B. No. 2957, dated 12.7. 1932

The petitioner is informe that no action will be taken on his petition read above, as ~~he~~ he failed to produce cour fee labels of the value of Rupees Tw to be affixed to the petition and an authenticated and stampe copy of the Collector's order as directed in the Board's Ref. No. B. 2957-32-1 d/1-6-32

dg
11/7/32

12-7-32

Issue
12/7/32

DESPATCHED
14 JUL 1932

p. 5 of.

To.
Shri Vishvendra Thirtha Swamiar varu
Head of Sri Sode Vadiraya Mutt
Udipi..

13/7/32

Rs 3 3 Rs THREE RUPEES

175

T.

In the Court of the Board of Revenue Land Revenue Settlement No. 19

Between:—

Sri Vishvendra Tirtha Swamiar
Head of Sri Sode Vadiraja Mutt } *Plaintiff. Petitioner.*

and

} *Defendant. Respondent.*

I/We Sri Vishvendra Tirtha Swamiar.

in the above suit do hereby appoint and retain M. R. Ry., S. V. B. Row Counsel to appear for me/us in the above suit and to conduct and prosecute the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt of any monies that may be payable to me/us in the said suit or matter.

Dated 31. 5. 32.

193

Executed before me this 31st day of May 1932

Address of service:
9, Kasi Chetty St
Triplicane
Madras

U Ramachandra Rao
Ist Board Member
31. 5. 32. S.K.

455

S. V. B. ROW.
ADVOCATE.

RESIDENCE
"KAVERI BAGH"
THAGAROYNAGAR.
TEYNAMPET, P. O.

OFFICE
NO. 9, KONDI CHETTY STREET
GEORGE TOWN.

BOARD OF REVENUE
22 JUL 1932
LAND REVENUE AND SETTLEMENT

MADRAS, 22nd July, 1932.

B408) Rs. 5

COURT FEE
19-7-32
ONE RUPEE

COURT FEE
19-
ONE RUPEE

Re: Petition from Sri Vishvendra Tirtha Swamiar, Head of Sri Sode Vadiraja Mutt, residing at present in Udipi Kasba, dated the 28th May, 1932.

6708

With reference to your Memorandum, Endt. B. No. 2957/32, dated the 12th July, 1932, addressed to my client Sri Vishvendra Tirtha Swamiar, Head of Sri Sode Vadiraja Mutt at Udipi, I am informed by my client that he received the above Memo only on the 18th instant, and I am instructed by him to furnish the Hon'ble Board the Court Fee labels of the value of Rs 2/- to be affixed on the petition which I enclose herewith, and also an authenticated and stamped copy of the Collector's Order in R.O.C. No. 3315/32 L.

As there was some delay in securing the aforesaid copy of the Collector's Order, my client was not able to furnish the same earlier, and under the circumstances it is prayed that the Honourable Board will excuse the delay and pass final orders on the petition on its merits.

I enclose also for reference the certified copy of the R.P. No 7 of 1930.

I beg to remain,
Sir,
Your most obedient servant,
S.V.B. Row

5 / 13 1259

THREE
GOVERNMENT OF INDIA COPY STAMP
INDIA COURT FEE
R 3/4 R
S.V.B.
22/3/2
TWELVE ANNAS

R.O.C. 3315-32-B.

Proceedings of the Collector of South Kanara, Mangalore

Dated 7th May 1932.

Present: Khan Bahadur G. Hussain Bar at Law

Hindu Religious Endowment Act – Contributions due to Hindu ~~(Railway)~~ Religious Endowment Board Krishna Temple Udipi share of Tasdik due to Sirur Swamier – payment ordered.

Read petition dated 18.4.32 from Laxmindra Thirtha Swamier, Head of Sirur Mutt.

(2) Tahsildar's Udipi's report Ref A1. 6408-32 ~~of~~ dated 28.4.32.

According to the customary which is also admitted by the Tahsildar (~~that has~~) the Swamier that has demitted the office in the present case, the Swamier of the Sirur Mutt has to get Rs 4549-15-7 from the Tasdik due to the Krishna Temple. The Tahsildar is therefore requested to disburse this amount to the Sirur Swamier. The decree of the civil court can be satisfied from the balance as credit to the Krishna –

An

1546

Ve M. v Komitt
24/6/32
1 Androd

GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

Temple

(Sd) A. Krishnayya
7-5 32

For Collector.

[illegible]

(True copy on two sheets)

Application No. 165 *for copy received*	*on* 28·6·32
Stamp papers called for	" – –
Stamp papers produced	" 28·6·32
Copy ready	" 11·7·32
Copy delivered or sent by post to	" 15·7·32

Total words 164

Copied by & Compd. by AW
11·7·32

Deputy Collector

ECTOR OF SO ANARA. DEPUTY

1545

Ve M. V. Kamath
24/6/32
O Andrade

R. F. XXII-A-19—30.004—2-2-31 (6)

Subject.
Allowance Tasdik (South Kanara)
Sri Krishna Temple at Udipi -
Payment to Shirur Swamiar. Sri
Vidvendra Thirtha Swamiar .. petition

FOR MEMBER.

READ AGAIN B. P. No. ______, dated ______ 193
" " ______, " ______ 193

READ ALSO :—

Register No. ______, From the B.2957/32-Q, No. ______, dated ______ 193
Refer dt 1 6/32
Bd's Prodt B 2957 D, 12 7/32
" " ______, " " B 4087/32 } - Q " ______ 193
" " ______, " " ______ " " ______, " ______ 193

RESOLUTION See B 4087-32-1 No. ______, dated 3-8 1932

p.5 of (T)

DESPATCHED
3 AUG 1932

26/3/8

Issue

1-4 of (T)
&
pp 1-32 of

pp 1-4 of (T)

In modification of the orders passed in its refer no. B.2957-32- dt 1-6-32, the Board grants the stay applied for by the petitioner.

2 The Collector is requested to ~~offer~~ state his reasons for passing the order appealed against and to submit the connected records with remarks on any allegation in the petition that are not clearly dealt with in the records.

3-8-32

dy
3/8/32.

To. Shri Vidvendra Thirtha Swamiar
varu.
thro
his Counsel
M.R.Ry S. V. B. Rao avl, B.A.B.L.
Advocate
No. 9 Kondi Chetty Street
George Town Madras.
To the Collector of South Kanara with papers.
Paper orderly

20/3/8

R 5-9-32.

RP. 71
cues B. 4560

R.O.C.3315-32-B1.

South Kanara Collector's Office,
Mangalore, dated 10th August '32.

43

BOARD OF REVENUE
15 AUG 1932
LAND REVENUE AND SETTLEMENT

From

Khan Bahadur J. Hussain, Bar-at-law,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement,
Madras.

Sir

Allowance - Tasdik (South Kanara) - Udipi Taluk - Sri Krishna Temple - Payment to Sirur Swamier.

From the Board, Land Revenue and Settlement Ref.B. 4087-32-1 dated 3rd August 1932.

p 41 of

----

1. This controversy started when I issued notice to Sirur and Sode Swamiers under the Hindu Religious Endowments Act to pay the contribution due to the Hindu Religious Endowments Board and directed the Tahsildar to withhold the tasdik payable to the institutions of Sirur and Sode Mutts until further orders. The Tahsildar withheld the tasdik of both the institutions as well as that of Krishna Temple, because the Sode Swamier for th time being was managing this institution and was entitled to a portion of the tasdik due to it.

2. In.R.E.P.7/31 the District Judge had attached ---- Rs. 1242-9-6 out of the tasdik due to the Krishna Temple on account of the contributions due to the Hindu Religious Endowments Board and ordered that it should be sent to him when it fell due.

3. The trusteeship of the Krishna Temple is held for two years by rotation by the eight Swamiers of Udipi. It has a tasdik of Rs. 8400/- which is generally payable out of the assessment in March and April or a little later. Since the x'pariyayam' year of the Krishna Temple and this period do not coincide, the heads of the said eight mutts by some ancient

x
change in
the trustee
[illegible]

and customary arrangement have apportioned the tasdik by which the trustee who gets out of office after two years, gets Rs. 4549-15-7 and the trustee who assumed office --- Rs. 3850-0-5 when it is time for the tasdik to be paid. As per usage the Sirur Swamier demitted office and the Sode Swamier assumed trusteeship of the Krishna Temple on 18-1-32 and the controversy was from whose share of tasdik the ---- attached amount had to be paid when the payment was called for by the Hindu Religious Endowments Board

4. The appeal petitioner's contention is that since the attachment was made during the time of the trusteeship of the previous Swamier (i.e. Sirur Swamier) it should be paid out of the share of the tasdik due to the Swamier who had vacated office. I would here say that the charge of paying the ---- contribution is on the temple and its property and when the call for payment comes, notice is sent to the person who for the time being is in charge of it. Though the District Judge had attached this amount, the onus of collection had since devolved on the Collector owing to the amending of the Hindu Religious Endowments Act in the interval. When the requisition is received from the Hindu Religious Endowments Board, the --- Collector will have to cause the notice to be served on the Sode Swamier who is now in charge of this temple. p.2 of (bottom)

5. A petition was filed before me on 18-4-32 by the Sirur Swamier in this connection and after calling for a report from the Tahsildar, Udipi, I held that the charge for payment of contribution could not follow a trustee after he had vacated office and therefore ordered that the share of tasdik due to the Sirur Swamier should be disbursed to him. The Sirur Swamier also brought to my notice that during the period of his trusteeship of the Krishna temple, he had paid Rs. 1388-8-0 (being the contribution which had accrued during the time of his predecessors in office) owing to the Execution proceedings for the reco same being disposed of during his term of office.

pp 31-35 of Ⓟ
pp 45-47 of Ⓟ
p.49 of Ⓟ
p.33 of Ⓟ

6. Against my order the Sode [illegible]er filed a petition on

pp 169-171 of (P) 20th May 1932, contending that the contribution is a personal charge and that since it was levied for the faslis during which time the Sirur Swamier was in charge of the Krishna Temple, he (the Sirur Swamier) should meet it out of his share of tasdik though he was no longer the manager. I saw no reason to revise my original view that the contribution is always a charge on the income of the temple and its properties and that therefore the Manager for the time-being should meet it out of the income at his disposal if the call for payment came during his time. Though the District Judge had ordered the attachment of Rs.1242-9-6, he could not pass further orders about the disposal of the amount as the forum of collection had changed and the Collector had to call for this amount. It was the Hindu Religious Endowments Board that had to send its requisition to the Collector for the collection of this amount and the Collector collects it by calling upon the Trustee for the time being - in this case the Sode Swamier - to pay the amount on pain of it being collected as an arrear of land revenue. In view of this I declined to reconsider the order already passed.

p 177 of (P)

(T)

also para. 13 of the petition at p 198 of (P)

p 181-182 of (P)

7. On 28th May 1932, the Sode Swamier filed another petition stating that he had posted a revision petition to the Board of Revenue and requesting stay of my order to the Tahsildar of Udipi asking him to disburse the full share of tasdik to the Sirur Swamier. I instructed the Tahsildar that, if he had not already disbursed the amount, payment might be deferred for a fortnight within which time the petitioner was directed to obtain Board's orders. Against this order the Sirur Swamier filed a petition on 4th June 1932, pointing out that no appeal lay to the Board of Revenue as the Hindu Religious Endowments Act was in itself a self-contained act and that it did not give any right of appeal to the Board of Revenue against orders passed by the ------- Collector, and requested [redacted] the stay may be cancelled. I upheld his contention and in my proceedings, R.O.C.3315-32-B: dated 5th June 1932 cancelled the stay order and instructed

p 187 of (P)

pp 195-199 of (P)

p 201 of (P)

that the amount of tasdik should be disbursed immediately. It must have been disbursed by now, but I am calling for a report from the Tahsildar as to when it was disbursed and am also instructing him to withhold payment if it has not already been made.

8. On 6th June I received B.P.Ref.No.B.2957/32-1, dated 1st June 1932 refusing to the Sode Swamier the stay applied for. p.203 of Ⓟ

9. The Tahsildar of Udipi has since solicited orders from the District Judge as to the disposal of the amount attached by him. The District Judge has replied that under the amendment to the Religious Amendment Act XI of 1931. the Collector is himself empowered to recover the contribution from the Mutt and pay it to the Hindu Religious Endowments Board. I have addressed the Hindu Religious Endowments Board in the matter. Under the Act, I shall have to call for the amount from the present trustee - the appeal petitione when I get the necessary requisition from the Hindu Religious Endowments Board. The amount is now held in Revenue Deposits. p.231 of Ⓟ p.233 of Ⓟ

10. The connected file of papers contains 247 pages and deals with requisitions from the Hindu Religious Endowments Board for the collection of contribution due from several institutions in Udipi Taluk. I have detached from it all papers relating to this enquiry and submit them together with this office L.Dis.10334-31. The enclosures to the Board's reference are also returned.

For Collector.

KSR
11.8.32

Subject. R. F. XXII-A-19- 80,000-2-2-01 (c)

FOR MEMBER.

Allowance of Tasdik (South Kanara) Udipi taluk – Sri Krishna temple at Udipi – Payment to Shiroor Swamiar – Shri Vidhvendra Thirtha Swamiar – Petition – dismissed

READ AGAIN B. P. No. ________ ,dated ________ ________193

" " " ________ , " ________ ________193

READ ALSO :—

Register No.______ From the B.2257/32, No.______ , dated ________193

B.4087/32 } B.

(Ref. dd) 3-8-32

" "______, " "________, ________ ________193

B.4660/32 – B to Collr + Petitioner

" " ______, " "________ " "______, "________193

RESOLUTION. (Mis) No. 250 dated 23-8-1932

The Collector's order is correct. The Board sees no reason to interfere in the matter. The petition is dismissed.

2. The stay granted in the p. 4 of Board's Ref. No. B. 4087-32-1 dd 3-8-32 is cancelled.

Sri Vidhvendra Thirtha Swamiarvaru
c/o
his Counsel ~~M.R.Ry.~~
M.R.Ry. C.V.R. Rao and B. ... Advocate
No. 9. Kondi Chetty Street
George Town, Madras
with encls. retd. pp 17-39 of
Collector of ~~S~~ South Kanara
with 2 files retd.

dy
22/8

22/8/32.

Issue
22/8.

R.O.C.3315-32-B1.

South Kanara Collector's Office,
Mangalore, 19th August 1932.

LAND REVENUE AND SETTLEMENT
22 AUG 1932

From
Khan Bahadur J. Hussain, Bar-at-Law,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement,
Madras.

Sir,

Allowances - Tasdik - (South Kanara) - Udipi Taluk - Sri Krishna Temple - Payment to Sirur Swamier.

This office Ref. on C.3315-32-B1, dated 10th August 1932.

******

[illegible] with B.P. under issue

With reference to last sentence of paragraph 7 of my above report, the Tahsildar of Udipi informs me that the amount was disbursed to the Sirur Swamier on 8.6.1932.

For Collector.

KSR
19.8.32

To the Colr.

The B.P. upholding the Collector's action is under issue. Nothing is necessary for this. May be filed with the connected B.P.

27/8

28/8.

Note File

Allowance - Tasdik (South Kanara)
Sri Krishna Temple at Udipi - Payment to Shirur Swamier - Objection - Sri Vishwendra Thirtha Swamier. Stay order Requested.
B2957/32

S
AO(LC)

To A.S.

Please see the petition at p 1-3 c.f. for facts.

Para 4 at p 2 c.f.

2 The Collector's order appealed against has not been enclosed nor is the petition stamped with Court fee label of the value of Rs 2-0-0/-. The petition however, purports to be a copy of the one sent to the Board through the Collector.

address only at p. 1 c.f.

The facts also are not very clear. The Swamier requests that the Collector's orders ~~should~~ may be stayed.

Para 7 of the petition at p. 3 c.f.

In the absence of a copy of the Collector's order, it is not possible to find out the reasons that led the Collector to pass the order if any. Under the circumstances ~~As the circumstances~~ the stay order applied for may ~~perhaps~~ be ~~granted~~ refused but ~~and~~ the petition forwarded to the Collector for very early remarks with the connected records. The Swamier ~~also~~ may be requested to rectify the defects pointed out above if the petition (sent thro') ~~to~~ the Collector is also similarly defective.

For orders.

ab
31/5/32

31/5/32 Stay may be refused. The petitioner may be called on to rectify the defects.

1-6-32

UKW/1.6.32.

Draft

1-6-32

AS(CIR)

To AS

Draft Sub

9/1-6/32 W/4/6.

1-6-32

Issued as BD's Reply on 1-6-32

p. 5 c.f. AS (CIR)

To AS.

Please see the BD's reply at p. 5 c.f.

The Swamiar has not rectified the defects pointed out to him. He may therefore be informed that no action will be taken on his petition.

pp. 1-3 c.f.

9/7/32

Yes

11-7-32

AS (CIR)

To AS (CIR)

Draft Sub

3/11/7/32

12-7-32

Note File 3

Not material? [illegible]

Allowance - **Tasdik** (Sinthi Kanara) Sri Krishna temple at Udipi - Payment to Shirur Swamiar Sri Vishvendra Thirtha Swamiar Objection petition

B 4087/32

To A.S.

Please see the notes/orders pp 1-2 n.f. in the Bd's Endt at ~~(T)~~ p 7 c.f. & the petition at p 1 c.f.

p 7 cf

2 The Swamiar's advocate has not complied with the Board's directions & requests that the petition at pp 1-3 of ~~(T)~~ c.f. ~~should~~ may be restored to file and dealt with on its merits

p 9 c.f. ~~p 5 of (T)~~

3 The question is whether there are sufficient grounds for restoring the petition.

The petitioner explains that there was some delay in securing the copy of the Collr's order.

p 9 cf

From the copy at p ~~7 cf~~ 15 c.f. it is observed that the petitioner applied for a copy of the order on 28.6.32, & the copy was made ready on 11.7.32 and delivered on 15.7.32. If the petitioner had apprehended any delay, it is submitted that he should have stated the facts, produced c.f. labels of the value of Rs 2/- and applied for a ~~suitable~~ extension of time. He did not do so. In the circumstances ~~it is for orders whether~~ the petition ~~may~~ does not

~~may~~ be restored to file ~~and dealt with on its merits~~.

Dis 277/32

As regards the merits of the case, please see the petn ~~cf~~ pp 1 to 3 ~~cf~~ cf ~~(I)~~. The petnr says that his turn as trustee for the Temple commenced from 18.1.32 ~~that~~ he would not be made ~~liable~~ to pay for the arrears of his predecessor's time. From the demand petn put in by the President of the Endowment Board in own court it will be seen that it is only a claim for contribution due from the temple for the years 1928 & 1929. Presumably the petnr is not liable to pay this demand. In the circumstances it is not known how the Collector ordered full payment of the amount due to Lakshmindra Tirtha Swamiar and adjust the balance towards the Lower court decree. Perhaps the fact of the liability of Lakshmindra Tirtha Swamiar to pay for the civil court's decree as alleged by the petnr was not brought to the Collr's notice. Further petnr says ~~that~~ in para 5 of his petn (in ~~I~~) p. 2 cf that the Civil Court has held that the contribution amount should be collected from the previous Swamiars & not from the petnr. But he has not produced the Court's order to that effect. In the circumstances it is for whether the petn may restored to file & ~~the~~ records called for from the Collr with his remarks.

TW 20/7/32.

Office

A note or memo need be put up only after orders admitting a petition are passed.

30/7/32

pp ~~(10) (11) (14) cf~~ ~~23-24 cf~~

13-15 cf pp (5) & (7) cf.

There are no grounds to restore the petition to file. The petitioner may be informed accordingly.

30/7/32

I presume such copy to Member and not [illegible]. Please

30/7/32

Please see Secy's query on the margin of p.2.N.7.

2 This is a case in which the petitioner has complied with the Board's directions. When refusing to restore such cases to file, it is usual to submit them to Member for appl.

Please see the precedents at Ⓤ

1-8-32

dg 30/7/32

20/3/7

D.N. After D1 has ~~found~~ noted, the Clerk Et. responsible will explain to Supdt. why this was not marked for Member orders.
n.f.
1-8-32

The petitioner ~~is warned~~ may be informed that there are no grounds for restoring the petition to file.
1-8-32

D1

SECY.
2-AUG 1932

We had better get the Coll's reasons for his order, & stay it meanwhile. Prima facie it is difficult to justify it
2-8-32

A.C.(Lr.)

To A.C.(Lr.)

Draft Subd.

2 Stay order was proposed previously vide orders at p.2 N.7 (of Ⓣ)

3 The explanation called for by the Secy will be subd. after the draft is issued

3-8-32

dg 3/8

20/3/8/32

To A.S(JR)

The omission to mark for M. at p.g. n.7 due to oversight and is very much regretted. I will be more careful in future.

Sd
V. Subramanian

JS
5/8/82

Please avoid such mistakes in future

8.8.82

Office
Note the Supdt. remarks.
8.8.82

Sir
Noted
8/8/82

Issued has BD's refce dt. 3-8-82 and letter from the Collector of South Kanara
[R.M. 4560/82]

p.41 cf.

pp 43-46 cf.

AS(JR)
write Dist X19

To A.S

Please see the BD's refce at p.41 cf. and the Collector's reply thereto at pp 43-46. The Collector has now offered his reasons for his order ~~and~~ appealed against. As pointed out by the Collector and the Counter petitioner, the forum for the collection of the contributions due to the H.R.E. Board has since changed. The Dt. Judge appears to think that the amount should be collected by the R.D. In this view, the Collector's order demanding the amount from the Sode Mutt (petitioner) does not appear to be incorrect. For orders whether the petition may be dismissed

p.46 cf & para.13 of the petition at p.198 cf (P)

p.233 cf (P)

p 41 of. dismissed and the stay already granted
rescinded.

b/3
98/32 On a requisition received from
the Endowment Board to collect the
arrear contribution due to the Board from
the Krishna temple, the Dt Judge passed
a decree, ~~&~~ attached a portion of ~~the dastik~~ tasdik
amount due to the temple & asked the
(T) Collr to remit the same to his Court. In
carrying out this order of the Dt Judge, the
para 1 in p 43 of. Collr first ordered the withholding of the
entire ~~dastik~~ tasdik & on the representation of the
Counterpetnr, directed the Tahr to pay the
p 49 in (P) Counterpetnr his full share of the ~~dastik~~ tasdik & to
satisfy the decree of the Civil court from the
balance of the ~~dastik~~ tasdik due to the petnr.

The Collr has not so far
received any requisition from the Endowment
Board under Sec 70 as amended by the
Amendment Act put up. Madras Act XI of 1931 & so his action
was not under the Endowment Act. He
simply carried out the direction of the
Dt Judge to withhold Rs 1242-9-6 from
the ~~dastik~~ tasdik & send it to his Court to satisfy
the attachment order passed by him. In
carrying out the direction of the Dt Judge
he withheld Rs 1242-9-6 from the share of
the ~~dastik~~ tasdik due to the petnr & allowed the
Counterpetnr's share to be paid to him.

How far the Collr's action in making the distinction is correct is the question. The Collr says that the charge of paying the contribution is on the temple & its properties & that the trustee in office is ~~not~~ responsible for paying it whether the arrear relates to his time or not. His action will to a certain extent be understandable if the Counter-petnr had no amount to his credit. But on the date of the Collr's order the Counter-petnr had Rs 4549-15-7 out of Rs 8400 when there ~~&~~ was in his hand amounts due to both & when the Dt Court had held that the petnr was unnecessarily impleaded & that the contribution amount should be collected from the previous Sannyasis, it does not seem to be equitable to withhold the amount due to the petnr alone. Further ~~the~~ contributions ~~amount~~ to the Endowment Board are levied on the yearly income of the temple & the trustee ~~of~~ who derives the income should in fairness pay it. If the Endowment Board had been prompt in collecting the contribution amount, it might have been collected from the trustee responsible. Now if the arrear is collected from the petnr, he may have to pay for the years he is in office if the Endowment Board takes early action in realising the contribution amount.

para 4 in p 44 cf.

But the counter-petitioner paid ~~Rs~~ 1387-8-0 on 3-2-1931 when he was the managing trustee. — 3/7

Amendment Act put up.

Anyhow according to the Amendment Act XI of 1931, provision is made for hearing objections to the Endowment Board. The matter appears to come under its purview. The petitioner may be asked to seek redress at the hands of the Endowment Board.

The collector's report deals fully with the facts of the case.

[illegible] 2/8/32.

The contribution is due from the Sri Krishna Temple of which the petitioner (Sri Vishnundra Tirtha Swamier, head of Sri Sode Vadiraja Mutt), the counter-petitioner (the head of Shirur mutt) and the heads of 6 other mutts are the trustees. The trusteeship is carried on by the each mutt ~~[illegible]~~ for 2 years by rotation. The Hindu Religious Endowments Board filed its execution-application in the District Court against the Sri Krishna Temple and the 8 mutts.

pp 23 – 29 c.f

The final order of the Dist. Judge is at p 39 c.f. The heads of the 8 mutts who are the trustees of the Temple are jointly and severally liable for the contribution due from the Temple under the Madras Hindu ~~[illegible]~~ Religious Endowments Act and the tasdik has to be paid to the Temple i.e to the 8 trustees jointly. The attachment of part of the tasdik due to the ~~[illegible]~~ Temple for Fasli 1341 was made by the Revenue Dept. under the ~~District~~ Judge's order at (T). ~~The Collector's~~ An equitable order would have been to deduct the amount covered by the civil court's order of attachment (Rs ~~[illegible]~~ 1242-9-6) from the total amount of tasdik (Rs 8400) and to distribute the balance of ~~Rs [illegible]~~ 6157-6-6 between the Sode & Shirur mutts according to the rates in force under the customary arrangement. But the Collector is not bound to recognize the customary arrangement among the several trustees regarding the ~~receipt~~ distribution of the tasdik allowance and the payment of contribution. His order deducting the amount of ~~Rs [illegible]~~ 1242-9-6 from the tasdik paid to the petitioner is technically correct. The petitioner ~~[illegible]~~ can sue the Shirur mutt ~~[illegible]~~ for any amount due to it from the latter). ~~It is for~~ If the mutts ~~[illegible]~~ arrive at some arrangement and apply to the Collector ~~is~~ he will ~~[illegible]~~ fix the proportion of the tasdik to be paid to each mutt and ~~[illegible]~~ the [illegible] Hindu Religious Endowments Board will ~~[illegible]~~ determine the amount of contribution which each of the 8 mutts has to pay. In these circumstances the Board's interference with the Collector's order seems unnecessary.

The Collector's view that the contribution is a charge on the income of the Sri Krishna Temple and its properties and that the trustee-manager for the time being should meet it out of the income at his disposal is correct.

Yes

Frazer

The petition may be dismissed. After all, rotation of trustees etc. & all the custom regarding is not in our province. We have to collect from the Trustee in charge — the petitioner. He can go to Civil Court to recover from predecessor if he wants to.

W

22.8.32

Yes, I suppose so, though it's unfortunate for the man concerned.

Draft of

Draft Entd